IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

Crl.M. No.23910-M of 2007

Date of Decision: 20.4.2007

Panna Lal

....Petitioner.

Versus

State of Punjab

...Respondent.

Present:- Mr.P.C.Goyal,Advocate
for the petitioner.

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S.S.SARON, J.(ORAL)

This petition under Section 439 (2) read with Section 482 Cr.P.C. has been filed seeking cancellation of pre-arrest bail granted to Om Parkah (respondent No.2).

Learned counsel for the petitioner contends that respondent No.2 has tampered with the date of birth, therefore, he was not entitled to the grant of pre-arrest bail. It is submitted that the date of birth of respondent No.2 is 4.2.1958 and he has procured the birth certificate which shows his date of birth as 17.9.1967 and thereby respondent No.2 has lowered his age by 11 years, 3 months and 7 days and obtained a government job by committing fraud.

I have given my thoughtful consideration to the matter. The learned Sessions Judge, Gurdaspur, vide his order dated 13.3.2007, Annexure P-2, has after consideration of the matter granted pre-arrest bail to respondent No.2. It was observed that respondent No.2 has joined

investigation and the prosecution is to take time to present the challan. Besides nothing was to be recovered from respondent No.2 and photocopies of the documents were already on the police file. Rejection of bail is on one footing but cancellation is a harsh order because its takes away the liberty of an individual that has been granted, therefore, the cancellation of bail is not to be lightly resorted. It is only when it is shown that a person who has been granted bail tries to interfere with the due course of justice or attempts to tamper with the witnesses or threatens them or indulges in similar activities which would hamper the smooth investigation or the trial of the case that bail is to be cancelled. Besides merits of the order granting bail are not to be considered.

In the afore-noticed circumstances, there is no merit in the petition and the same is accordingly dismissed.

(S.S.SARON)
JUDGE

April 20,2007
Reema